UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,034	12/29/2005	Yongge Hu	P22105	6054

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EXAMINER
SADIO, INSA

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
01/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/563,034	HU ET AL.
	Examiner	Art Unit	
	INSA SADIO	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 October 2010</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) <u>4,5 and 13</u> is/are withdrawn from consideration.

5) ☐ Claim(s) <u>16-26</u> is/are allowed.

6) ☐ Claim(s) <u>1,2,6,7,11,12,14 and 15</u> is/are rejected.

7) ☐ Claim(s) <u>8-10</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>29 December 2005</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>05/26/2006</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   **Claims 11, 12, 14-18 and 24-26** are withdrawn from further consideration

pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II, there being no

allowable generic or linking claim. Election was made **without** traverse in the reply filed

on 10/04/2010.

Applicant's election without traverse of **claims 1-10, 19-23** directed to Species I

(Figs. 1-3, 5, 6 and 9-13) in the reply filed on 10/04/2010 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

2.   **Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Anantharamu et al. (US Publication Number 2002/0136298), hereinafter referenced as

Anantharamu, in view of Anderson et al. (US Publication Number 2005/0271072),

hereinafter referenced as Anderson.

As of claim 1, Anantharamu discloses a system and method for adaptive streaming of

predictive coded video data. Further, Anantharamu teaches wherein said a method

comprising: receiving a stream of raw acoustic data at a client device (see [0007]-

[0011]); framing the stream of raw acoustic data at particular intervals with alignment

information to create framed acoustic data (see [0007]-[0011]); buffering the framed

acoustic data (see [0007]-[0011]).

Anantharamu does not teach wherein said waiting for a data request from a host

device; and providing the framed acoustic data from the client device to the host device

in response to the data request.

However, Anderson teaches wherein said waiting for a data request from a host

device (see [0182], [0183]); and providing the framed acoustic data from the client

device to the host device in response to the data request (see [0182], [0183]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine Anantharamu's adaptive streaming with the

teaching of Anderson's host to client data request to exchange data, because this will

provide the host the data needed.

As of claim 2, Anantharamu as modified by Anderson teaches the limitations of

claim 1 above. Further, Anantharamu teaches wherein said

receiving the stream of raw acoustic data comprises: receiving pulse code modulation

(PCM) data samples from a plurality of synchronously interleaved channels each

corresponding to a different sensor in a sensor array (see [0003], [0004], [0006],

[0007]).

As of claim 3, Anantharamu as modified by Anderson teaches the limitations of

claim 1 above. Further, Anderson teaches wherein said

wherein framing the stream of raw acoustic data comprises: counting a particular

number of data samples in the stream of raw acoustic data (see [0255]); identifying a

time slot between two samples after the particular number of data samples (see [0256]);

inserting a frame boundary identifier and a frame sequence number in the time slot (see

[0243]); and

repeating the counting, identifying, and inserting (see [0256], [0243]).

As of claim 6, Anantharamu as modified by Anderson teaches the limitations of

claim 1 above. Further, Anderson teaches wherein said

further comprising: sending the data request to the client device (see [0257], [0258],

[0279]); receiving the framed acoustic data from the client device (see [0257], [0258],

[0279]); and checking for alignment errors among the framed acoustic data based on

the alignment information (see [0257], [0258], [0279]).

As of claim 7, Anantharamu as modified by Anderson teaches the limitations of

claim 6 above. Further, Anderson teaches wherein said

checking for alignment errors comprises:

setting a current pointer to a current data sample among the framed acoustic data

received from the client device (see [0243], [0255], [0256]);

comparing the current data sample to a particular data pattern (see [0243], [0255],

[0256]); and if the current data sample does not match the particular data pattern,

incrementing the current pointer and returning to comparing the current data sample

(see [0243], [0255], [0256]).

Allowable Subject Matter

3.   **Claim 8** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior arts do not teach the claimed invention "comparing the current data sample to a particular data pattern; and if the current data sample does not match the particular data pattern, incrementing the current pointer and returning to comparing the current data sample."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Claims 19-23 are allowed.

The following is an examiner's statement of reasons for allowance: prior arts do not teach the claimed invention "receiving the framed acoustic data from the client device; and checking for alignment errors among the framed acoustic data based on the alignment information."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to INSA SADIO whose telephone number is (571)270-

5580. The examiner can normally be reached on MONDAY through FRIDAY 8am to

5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

INSA SADIO
Examiner
Art Unit 2629

/INSA SADIO/
Examiner, Art Unit 2629

/Amare Mengistu/

Supervisory Patent Examiner, Art Unit 2629